

He tried negotiation, which was met by a declaration of independence; he tried an internal coup, which flopped; now he's trying force, which is bringing world obloquy on his head because the Chechens are fiercely fighting for their homeland and the Russian Army has no heart for a lengthy guerrilla battle, especially after its loss in Afghanistan.

All that—added to Yeltsin's personal punchiness and isolation—is why Russia appears unstable. We tend to equate the future of democracy with the future of Yeltsin, who is on his last leg.

But consider the political miracle taking place in Moscow today. An unpopular and unjust war is being denounced in the Parliament, with reformer Grigory Yavlinsky, openly calling for Yeltsin's resignation. The military is publicly divided between conscience-stricken warriors and hard-line incompetents. Free speech is spilling out all over.

The newspapers, after centuries of czarist and Communist docility, are crusading; a picture of Defense Minister Pavel Grachev is captioned "the most talentless commander in Russia." And the television crews are bringing home the horror of the war just as American cameramen did in Vietnam, with similar impact on Russian public opinion.

This is wonderful. The world should be proud of the Russian people, who should be prouder of themselves for exercising their new-found freedom to debate a great issue.

Contrast that democratic turmoil to the facade of "stability" in China. With the death of Deng Xiaoping imminent, the leadership is cracking down on dissidents.

By jailing its leading independent thinkers, the regime in Beijing reveals its inherent weakness. The new imprisonment of the courageous Wei Jingsheng, China's Sakharov, was the tip-off that the leadership fears a popular uprising, this time led by angry workers rather than idealistic students. As Deng sinks, the number of panicky arrests rises.

This demonstrates again that succession in a Communist state is a ruthless wrestle for power within an impenetrable clique. It mocks the assurances of China's Western apologists that a market economy leads to political freedom.

In a litchi nutshell, here's the play:

Yang Shangkun, an old army leader whose powerful family was neutralized by Deng, is close to Adm. Liu Huaqing, the nation's top military leader. They may challenge Deng's protégés, party boss Jiang Zemin and Prime Minister Li Peng, by backing economic chief, Zhu Rongji, or promoting a next-generation politician, Hu Jintao, or by backing Qiao Shi, the former national security adviser and now chairman of the rubber-stamp People's Congress, hereinafter known as "China's Newt Gingrich."

What do 1.2 billion Chinese have to say about all this? Zilch. (Analysts in Beijing, aware of the exclusive accuracy of my prediction of Mao's successor in the 70's, will have to puzzle out "zilch.") And therein lies real instability.

A monolithic, totalitarian state, repressing the spirit of freedom, only seems secure; we have seen how it can suddenly collapse. A noisy, unruly democratic state, drawing on the legitimacy of free elections, is more secure—no matter how shaky the leadership. That's why Russia is in better political shape than China.●

## LEGISLATION RELATING TO THE CLEAN AIR ACT AMENDMENTS OF 1990

● Mr. WARNER. Mr. President, I am pleased today to join as a cosponsor of legislation to require that the Environmental Protection Agency allow States to meet the requirements of the Clean Air Act as intended by Congress by pursuing options that best meet their own circumstances.

As a member of the Committee on Environment and Public Works during the development of the Clean Air Act in 1990, I can confirm that it was recognized that the requirements for an enhanced inspection and maintenance program would require some States to modify their current emission test and repair programs. It was our full intention, however, to allow States to operate a decentralized automobile emissions inspection and maintenance program to meet the requirements of the act.

In developing regulations to implement the enhanced I&M program, EPA did not follow the direction of the Congress and provisions of the statute. Instead, EPA mandated that States operate a centralized testing program by giving States only 50 percent credit toward achieving the 15-percent reduction in emissions if they elected to sponsor a decentralized program.

As States have attempted to work with EPA to develop emission reduction plans that would comply with the act, it has become clear that the Agency is mandating that States implement only one approach. This inflexible approach limits the ability of our States to pursue programs unique to their circumstances. Mr. President, I believe that encouraging States to devise their own programs with assistance from the Federal Government is the crucial element in whether any Federal program is successful or not. As EPA has consistently demanded a centralized testing program which uses the very costly IM-240 equipment, the program is on the brink of failure. States are overwhelmingly rejecting EPA's version of an enhanced I&M program, consumers are losing confidence in the benefits of an automobile emissions program and valuable resources are being wasted.

Mr. President, there is more than one way to ensure that we achieve the maximum amount of automobile emissions reductions in our fight to improve air quality, but EPA is threatening States with the loss of critical highway funds unless States do it only their way.

Mr. President, that is not what the law says and that is not what our States should be required to do.

The Clean Air Act specifically allows for States to demonstrate to the satisfaction of the Administrator that a decentralized program will be equally effective to a centralized testing program. In the case of my State, Virginia has been repeatedly denied the opportunity by EPA to show that their revised decentralized test and repair pro-

gram would be as effective as a centralized program in meeting air quality standards.

Since early last year, Virginia has attempted to work with EPA to develop a program that would bring the northern Virginia area into compliance with air quality standards. Unfortunately, EPA has been less concerned with the results of my State's emissions reduction plan, than with the process Virginia chooses to achieve these results.

In an effort to comply with the Clean Air Act, Virginia has presented two plans. The first plan was rejected by EPA because it included a decentralized test and repair program with operator certification and more enforcement, as opposed to a fully centralized program operated by State employees or State-hired contractors. The second plan which Virginia has offered has been the subject of extensive discussions, but no final resolution. The last meeting occurred on October 20, 1994, between EPA and Virginia with EPA pledging to respond to the State's proposal. To date, EPA has not responded.

During this time, Virginia has operated under a regulatory determination known as a protective finding for transportation conformity. This designation allows transportation projects to go forward on the assumption that Virginia will soon have an approved emissions reduction plan.

Time is short, Mr. President, and our protective finding expires this month. The EPA has repeatedly stated that, without an approved plan, Virginia would be subject to the loss of over \$378 million in annual highway funds which Virginia drivers have paid into the highway trust fund. Also, any new transportation projects proposed for addition to our Transportation Improvement Program until Virginia's 15 percent emissions reduction plan is approved.

These are significant penalties because it means that new major highway plans or modifications to existing plans cannot go forward. Not only would approval for Federal projects be denied, State and local approvals for projects on larger roads would be prohibited.

Mr. President, northern Virginia, an area already choking on traffic gridlock that paralyzes our lives daily and results in a tremendous loss of economic productivity, must not suffer from EPA's bureaucratic inflexibility. Should EPA repeal Virginia's protective finding, 138 million dollar's worth of northern Virginia projects in 1995 alone would be impacted.

Mr. President, these are extremely harsh penalties that bear no relationship to the issues at hand. Virginia has committed to improving air quality to meet the Federal standards. We only ask that we be permitted as provided in the law to select the most cost effective options that will achieve these important goals.

As a member of the Committee on Environment and Public Works, I look forward to working with my colleagues so that we can take prompt action on this important legislation.●

#### COL. SETH WARNER

● Mr. LIEBERMAN. Mr. President, I rise today to honor one of Connecticut's great Revolutionary War heroes, Col. Seth Warner. Tragically, the accomplishments of this extraordinary American have not been properly heralded by history, and I believe the time is past due for us to honor him. I salute the dedication of Edward S. Caco, Jr., of Roxbury, CT, in researching and recognizing the Colonel's great work and life. I have set forth below a discussion of Colonel Warner's life prepared by Mr. Caco. I can only hope this entry, by Mr. Caco, describing the importance of the Colonel's contribution to American independence, helps to bring the recognition he deserves. I sincerely thank Mr. Caco for his fine work on Colonel Warner's life.

\* \* \* Colonel Seth Warner was born in Roxbury on the 17th day of May, 1743. As a man, he was over six feet tall, and was courageous and commanding. Engaged in the controversy with New York, he was fully prepared to engage in our Revolutionary struggle. He was personally present in many engagements in the northern colonies. It has been reported that General Washington relied especially upon Colonel Ethan Allen and Colonel Seth Warner [who were cousins], considering them as among the most active, daring, and trustworthy of these officers.

Not long after the victories of Ticonderoga and Crown Point, Seth Warner was appointed as a Delegate to the Continental Congress. Shortly thereafter, he was enrolled as part of the regular Continental Army. Seth Warner was appointed the Commander of the regiment by the officers and men, who felt that his calm and wise judgment would serve them best in the serious business of war that lie ahead.

It was at Longueuil Canada in 1775 that Colonel Warner fought a rear guard action against the advancing enemy, covering the retreat of General Sullivan. The retreat became a rout and it was Colonel Warner that protected the rear and brought up the sick and wounded. The stricken and defeated army made its way to the safety of Crown Point, and later on to Ticonderoga. Though the Colonel was successful in carrying out his orders, it was this flight from the enemy forces which broke his iron constitution and began the malady that would eventually take this life.

Several months later in July of 1776, Seth was again called upon to fight a rear guard action to cover the retreat of General St. Clair's forces from Ticonderoga. At Hubbardton, along with units from New Hampshire and Massachusetts, the Colonel made a stand against a combined unit of British and Hessian forces. During this engagement the Massachusetts unit scattered, and the New Hampshire unit surrendered, leaving Colonel Warner and his men to stand alone. Though his unit was forced off the field, Colonel Warner was entirely successful in the duties to which he was assigned. \* \* \* In spite of his failing health, the Colonel carried out his orders, led his men into battle, and was to have no rest as Burgoyne was on the march.

In August of 1777, General Stark was engaging the Hessians of Burgoyne's command at Bennington. The first action had been fought and the Hessians were already winning the day. A powerful enemy reinforcement was taking to the field when Seth arrived with his regiment. General Stark ordered Seth to ride on the line and order a retreat into the middle of Bennington. Seth refused that order, much to General Stark's surprise, stating instead that he was certain that he could get his men into action on the ground. General Stark agreed and the day was won. Once again it was Colonel Seth Warner's fiery courage and steady judgment that had turned the tide of the battle. General Stark stated in his report to General Washington, "Colonel Warner's strategy and judgment was of extraordinary service to me." In recognition of his valor and service, Seth was promoted to the full rank of Colonel.

It has been said that if Seth had retired from the service at this time, he may have to a certain extent retained his health. However, with Seth the needs of his burgeoning country always took precedence over his own welfare, as well as the needs of his own family. With failing health, Seth continued to fight the ravages of the Indians and the ever present Tories. Not one to remain idle for any length of time, Seth led a scouting party in 1780. It was on this mission that Seth was ambushed by the Indians. In the melee of battle the two officers by his side were killed and Seth received two bullets through his arm. This was the end of Colonel Seth Warner's active military career.

He retired to his Vermont residence for two years to recuperate. In 1783 Seth returned to his native Roxbury and established a homestead. Still in a great deal of pain from his wounds and malady, Seth spent time by the seashore hoping that this would give him some respite. This was to prove fruitless, and he returned to his home where he lingered in suffering and delirium for several months. At times neighbors were needed to assist in his care. Finally, on December 26, 1784, Colonel Seth Warner was relieved of his pain and suffering through his merciful death. \* \* \*

The entry on Colonel Warner's tombstone well summarizes his life.

IN MEMORY OF COLONEL SETH WARNER, ESQ., WHO DEPARTED THIS LIFE DECEMBER 26TH, A.D. 1784. IN THE FORTY-SECOND YEAR OF HIS AGE

Triumphant leader at our armies' head,  
Whose martial glory struck a panic dread,  
Thy warlike deeds engraven on this stone,  
Tell future ages what a hero's done,  
Full sixteen battles he did fight,  
For to procure his country's right.  
Oh! this brave hero, he did fall,  
By death, who ever conquers all.  
When this you see, remember me.●

#### ORDINARY HEROES

● Mr. SIMON. Mr. President, all of us watched with agony while a 19-year-old, Nahshon Wachsmann, was captured, made a public plea for his life, and then was slain.

People on the Palestinian side, the Israeli side and people of every religious persuasion were hoping and praying that his life would be spared. But it was not.

How do parents face such a tragedy?

The Jerusalem Report has a story about Nahshon's parents. Because it has both the international dimension, and lessons about how to face grief and

pain, I ask to insert it into the RECORD at this point.

The article follows:

[From The Jerusalem Report, Dec. 1, 1994]

#### ORDINARY HEROES

(A month after his son was executed by Hamas kidnappers, only the unshakeable faith of Nahshon Wachsmann's parents is enabling them to cope with their grief)

(By Yossi Klein Halevi)

Yehudah and Esther Wachsmann's phone doesn't stop ringing. The Jewish National Fund wants to plant a forest in memory of their 19-year-old son, Nahshon, kidnapped and killed by Hamas terrorists in October. A Jerusalem religious school wants Esther and Yehudah to address its students about the dangers of religious extremism. The Kfar Saba municipality wants them as guests of honor at a rally for national unity.

Families afflicted by terror attacks are usually considered victims, not heroes. Yet the Wachsmanns, whose quiet dignity during the kidnapping ordeal riveted the country, have become symbols of strength—at a time when Israelis fear that their ethos of courage is slowly being sapped by exhaustion and prosperity. Rabbis who came to the Wachsmanns to impart religious inspiration were instead inspired by their faith; Knesset Speaker Shevah Weiss and the commander of the Golani infantry brigade in which Nahshon served emerged from the Wachsmann home repeating virtually the same words: We came to strengthen the Wachsmanns, but were instead strengthened by them.

Yehudah, in a knitted yarmulke and sandals, and Esther, in a beret and denim skirt, shattered the stereotype of the Israeli Orthodox Jew as extremist and intolerant. Esther appealed to her son's kidnappers to remember that they all worshiped the same God; and the army's failed attempt to rescue Nahshon, Yehudah thanked the Muslims and Christians who had prayed for his son, and offered to meet with the parents of Nahshon's killers. And despite anonymous right-wing callers demanding that he stay away, Yehudah accepted an Israeli government invitation and attended the signing ceremony for the Israeli-Jordanian peace treaty, just days after he completed the shivah mourning period for Nahshon.

The Wachsmanns managed to emotionally unite the country, however briefly, in a way it hadn't know in years. Tens of thousands of Israelis, from secularists to ultra-Orthodox, joined prayer services for Nahshon's safety and lit an extra Sabbath candle on the Friday night that he died. Weeks after Nahshon's death, thousands of letters are still coming to the Wachsmann home in Jerusalem's Ramot neighborhood—not only from Israelis but from people around the world, many sending poems and taped messages of support.

The Wachsmanns insist they are ordinary people; and indeed, the middle-aged, modern Orthodox couple are unlikely heroes. Yehudah and Esther, both 47, are short, sturdy, wide-faced. Yehudah, with a long graying beard, paunch and piercing eyes, speaks with an intensity softened by ironic humor. Esther's little-girl voice—callers for Yehudah often ask her if her father is home—is deliberately calm: The mother of seven sons, she learned to keep steady through the chaos of daily life.

Yehudah and Esther are both children of Holocaust survivors; and that experience affected them in very different ways. Yehudah grew up in Romania and moved to Israel at age 11. The war destroyed his father, who became closed and bitter. "I saw what anger could do to a person," says Yehudah. "And I